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Fifteenth report of the Secretary-General pursuant to paragraph 4 of Security Council resolution 2107 (2013)

I. Introduction

1. The present report, submitted pursuant to paragraph 4 of Security Council resolution 2107 (2013), covers developments pertaining to the issues of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, since the issuance of the previous report of 28 April 2017 (S/2017/371).

2. On 20 April 2017, in Baghdad, my Deputy Special Representative for Iraq for Political Affairs, György Busztin, met with the Undersecretary of Bilateral Relations at the Ministry of Foreign Affairs of Iraq, Nizar al-Khairallah. The meeting highlighted an improvement in the relationship between Iraq and Kuwait, which has helped to strengthen cooperation and coordination on the file on missing Kuwaiti and third-country nationals and missing Kuwaiti property, and emphasized the excellent cooperation and coordination between the Iraqi Ministries of Foreign Affairs and Defence and between the Iraqi authorities and their counterparts, including the International Committee of the Red Cross (ICRC) and the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs, which have been instrumental in moving the work forward. My Deputy Special Representative encouraged the Ministry to continue its close coordination with relevant Iraqi authorities on these issues and expressed hope that the implementation of a holistic approach, which includes more efficient coordination and information sharing among all the entities involved, work with the witnesses and the use of modern technology at the excavation sites, can lead to tangible results. Taking into consideration the positive results and the significant increase in the number of witnesses coming forward, he also encouraged relevant Iraqi institutions to continue the widely distributed public announcement campaigns. Mr. Al-Khairallah expressed the unwavering and sincere commitment of the Government of Iraq and its dedication to continuing to make the efforts necessary to achieving specific progress in bringing the file to a close. He also welcomed any suggestions or proposals from the United Nations Assistance Mission for Iraq (UNAMI) that could help to achieve progress.

3. On 3 May, in Kuwait, my Special Representative met with the First Deputy Prime Minister and Minister of Foreign Affairs of Kuwait, Sheikh Sabah Khaled al-Hamad al-Sabah, who underlined the good relations that have developed between the two States over the past years and expressed the readiness of Kuwait to support and assist Iraq in its efforts to regain stability and security in the post-Islamic State

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in Iraq and the Levant era. Sheikh Al-Sabah also highlighted the great humanitarian significance of the missing persons and property file and urged a stronger commitment and enhanced efforts from the Government of Iraq in trying to locate Kuwaiti and third-country nationals, missing Kuwaiti property and the national archives. In addition, he reaffirmed the readiness of Kuwait to support the efforts of Iraq financially and technically through the tripartite mechanism.

4. On 8 May, in Baghdad, my Deputy Special Representative met with the Ambassador of Kuwait to Iraq, Salem Ghassab Mohammed al-Zamanan, who reiterated his wish to see more progress on the ground to close the file after 26 years, highlighting the importance of Iraq redoubling its efforts to achieve the desired results, while acknowledging at the same time the continuous commitment of Iraq to the issue.

5. On 14 June, the Security Council issued a press statement on Iraq-Kuwait, specifically on the issue of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, following its consultation on the previous report. In the statement, Council members welcomed the strong bilateral relations between the two countries and commended the continued support of the Government of Kuwait for Iraq in its effort to achieve stability. The members of the Council, while recognizing the considerable challenges facing Iraq at this time, called upon the Government of Iraq to continue its efforts to achieve tangible progress with respect to returning all missing Kuwaiti and third-country nationals, or their remains, in addition to returning Kuwaiti property, including the national archives.

6. On 20 June, the Prime Minister of Iraq, Haider al-Abadi, visited Kuwait as part of his regional tour, in an effort to foster regional cooperation, promote development opportunities and support security and stability in the region. Mr. Al-Abadi stressed that relations between Iraq and Kuwait had developed significantly and that the objective of his visit was to maintain that relationship with the Government of Kuwait and expand it further in security, economic, agricultural and commercial fields.

II. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals, or their remains

7. During the reporting period, the Ministry of Defence of Iraq continued to gather information on a number of potential burial locations, including the Jahra' and naval base sites in Kuwait and the Radwaniyah, Khamisiyah and Salman Pak sites in Iraq. As part of those efforts, the Ministry has been investigating information received from witnesses and cross-checking it with other government institutions in an effort to verify claims and identify exact burial sites.

8. From 11 to 18 April, excavation work was carried out by the technical team of the Ministry of Defence of Iraq on the potential burial site in Khamisiyah, during which eight coordinates were determined and 185 probing trenches dug. No human remains were found.

9. From 21 to 27 April, the technical team of the Ministry undertook excavation works on a potential burial site in Karbala' province, during the course of which 80 probing trenches were dug. The work did not yield conclusive results. In addition, the team carried out exploratory and field survey missions in the region, specifying 45 coordinates for further consideration.

10. On 3 May, in Kuwait, my Special Representative met with the members of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs, who

expressed their appreciation for the ongoing efforts of Iraq and reiterated their wish to see more tangible results on the file. The Committee members noted that they had encouraged regular information sharing with the Ministry of Defence of Iraq, in particular between the tripartite mechanism sessions, as a means of ensuring appropriate follow-up.

11. On 7 May, the technical team of the Ministry carried out an exploratory mission in a potential burial location in Samawah province in the presence of the ICRC Forensic Adviser. During the mission, three coordinates were indicated for the future excavation works.

12. On 9 May, in Baghdad, my Deputy Special Representative met with the Head of the International Organizations Department of the Ministry of Foreign Affairs of Iraq, Sundus Omar Ali, and advised her that the Government of Iraq should fully cooperate with the tripartite mechanism at all levels and utilize new technology in the search for the missing.

13. On 15 May, the Ministry of Defence of Iraq issued a public call for witnesses that was broadcast on Iraqi satellite television channels, inviting all those with information on missing Kuwaiti and third-country nationals to come forward.

14. On 22 May, for the first time in 14 years, Iraq hosted the Technical Subcommittee of the tripartite mechanism, which held its ninety-ninth session in Baghdad. UNAMI attended the session in an observer capacity. All the members expressed their appreciation for the commitment and efforts of Iraq with regard to the file and for successfully hosting the meeting in Baghdad, the first under the auspices of an elected national Government. The Iraqi delegation stated that the country's highest authorities were fully committed to this international and humanitarian obligation. It also expressed its intent to continue to work on the file until it reached positive results, in order to alleviate the suffering of the families of the missing. The ICRC and Kuwaiti delegations thanked UNAMI for its continuous commitment to and support for the tripartite mechanism.

15. Discussing the work undertaken by the Ministry of Defence of Iraq on the Khamisiyah site during the reporting period, all parties highlighted the importance of the site and agreed to keep it a priority. The delegation of Kuwait also emphasized that activities relating to the Khamisiyah site should follow a three-track approach, namely, efforts to reach witnesses, exploration and excavation missions, and finding new technologies to enhance the search, and should continue in parallel. The ICRC delegation updated the members on the progress of the in-depth scientific review project, which has encompassed a review of the archives, the gathering of documents and the analysis of data. The first draft of the report will have been ready by August 2017 and will have been preceded by bilateral consultations with the members of the tripartite mechanism.

16. On 24 May, in Baghdad, UNAMI attended the forty-fourth session of the Tripartite Commission in its observer capacity. The Iraqi delegation reiterated the priority that the file represented for the Government of Iraq and its interest in the activities of the Commission, underlining both the moral obligation to the families of the victims and its commitment to further strengthening brotherly relations with Kuwait. The Kuwaiti delegation expressed its full understanding of the challenges faced by the Government of Iraq and highlighted the importance of continuing the team efforts, collaboration, exchange of information, assistance and support among the members of the tripartite mechanism. The delegation also praised the initiative to undertake an in-depth scientific review as a useful and practical measure intended to enhance field search efforts, and the public announcement campaigns broadcast by the Ministry of Defence of Iraq, which had resulted in an increase in the number of people coming forward to provide information.

17. During the meeting, the observer status of UNAMI was renewed, with the delegations expressing gratitude and appreciation for the Mission's efforts on and support of the humanitarian process. The meeting participants reconfirmed their dedication and commitment and the determination of all members to pursue the common goal of resolving the remaining cases of missing persons. It was suggested that new technology be used and a more proactive approach in making contacts with international experts and other countries or organizations dealing with this issue be taken in an effort to share experiences and make further progress on the file.

18. On 8 June, in Baghdad, my Deputy Special Representative met with the Deputy of the General Legal Adviser and Head of the Technical Committee in charge of the file on missing Kuwaiti persons and property at the Ministry of Defence of Iraq, Brigadier General Hazem Qassem Majid. My Deputy Special Representative commended the Government of Iraq for hosting the tripartite meetings and welcomed the positive and fruitful atmosphere that prevailed throughout the sessions. Brigadier General Majid underlined the continuous commitment of the Government of Iraq regarding the file and the detailed efforts of the Ministry of Defence of Iraq to reach potential witnesses by collaborating with other relevant Iraqi institutions.

19. In a press statement of 14 June following the previous report, the members of the Security Council noted the limited progress made on this issue recently and expressed their regret that no case of missing Kuwaiti persons had been solved and no human remains had been exhumed during the previous 12 years. They recognized the important steps that had recently been taken to reinvigorate the file of missing Kuwaiti persons and third-country nationals and were encouraged by the commitment of the Ministry of Defence of Iraq, as evidenced by recent activities. The Council also expressed strong support for the perseverance of the members of the tripartite mechanism and its chair, ICRC, and encouraged Iraq and Kuwait to collaborate through that mechanism to achieve further tangible results. In that regard, the Council expressed support for my view that ascertaining the fate of missing persons and providing answers to their grieving families depend on steadfast commitment and relevant action and the adoption of new and innovative ways to move the file forward.

III. Recent activities with regard to the return of Kuwaiti property

20. On 20 April, during the meeting in Baghdad with the Undersecretary of Bilateral Relations at the Ministry of Foreign Affairs of Iraq, my Deputy Special Representative took note of a huge volume of Kuwaiti books located in university libraries across Iraq and encouraged the Ministry to complete their cataloguing and to organize their official handover to the Government of Kuwait. Turning to the national archives, my Deputy Special Representative highlighted their paramount significance and reiterated the proposal of UNAMI on conducting a specialized campaign aimed at finding information on their possible location.

21. In its press statement of 14 June, the members of the Security Council strongly encouraged the Governments of Iraq and Kuwait to reconvene the Joint Property Committee every six months, as previously agreed.

IV. Observations

22. The hosting of the Technical Subcommittee and the Technical Committee meetings in Baghdad for the first time in 14 years marks another positive step towards a steady and continuous strengthening of bilateral relations between Iraq and Kuwait based on mutual respect, goodwill and collaboration between the two neighbouring countries. The understanding and support demonstrated by Kuwait towards Iraq, in particular with regard to the file, is praiseworthy, as is the resolve displayed by the Government of Iraq to fulfil its international, moral and humanitarian obligations and to reach tangible results. The lack of concrete positive outcomes remains a source of disappointment and frustration to both countries, however, in particular to the families of the missing. I echo the sentiments expressed during the latest tripartite mechanism meetings in Baghdad, which were also acknowledged by the Security Council in its statement of 14 June. The same sentiments apply to the missing property file, on which the Government of Iraq should be encouraged to make use of its increasingly positive relationship with Kuwait and continue to remain steadfast in this undertaking while redoubling its efforts.

23. I commend the Ministry of Defence of Iraq for its proactive efforts and practical measures aimed at finding new sources of information that could assist in locating potential burial sites, following up on and verifying witness statements and undertaking exploration and excavation works. During the past year, the Ministry has proved to be a dependable and reliable partner in this important humanitarian process. I encourage the Ministry to continue to work with the same resolve and determination to bring this file to a close in order to bring comfort to families who have lost their loved ones. I continue to stress the importance for the Government of Iraq of maintaining adequate institutional, financial, technical and other support to enable the continuation of activities relating to this important humanitarian endeavour.

24. I applaud the role, guidance and expertise of ICRC in supervising this process and its continuous commitment to the success of this humanitarian work. I commend the dedication of the members of the tripartite mechanism and their contributions to its activities, which have been crucial to maintaining the determination necessary to move the process forward. I remain convinced that reinvigorated efforts, new ideas and the multifaceted and comprehensive approach proposed at the tripartite mechanism meetings have the potential to bring a positive outcome in the common pursuit of finding the remains of those missing for more than 26 years.

25. With regard to missing Kuwaiti property, including the national archives, I urge the Government of Iraq to bolster its efforts and activities.

26. I welcome the trust placed in UNAMI by the Governments of Iraq and Kuwait during this process. I reiterate the unwavering commitment of UNAMI, my Special Representative and my Deputy Special Representative to continuing to promote, support and facilitate the efforts of the Government of Iraq on the file on missing Kuwaiti persons and property.